

Remarks

Claims 15, 16, 17, 19, and 20 are amended. Claims 21 and 22 are new. No new subject matter is added. Claims 1-22 are now pending, and reconsideration and allowance of the pending claims is requested in light of the following remarks.

Allowable Subject Matter

Claims 1-14 are allowed.

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but are otherwise indicated to be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

In keeping with this suggestion, new claims 21 and 22 are added. Independent claim 21 contains the features of claims 17, 16, and 15. Claim 22 is written to depend from claim 21, and contains the features of claim 19. Thus, claims 21 and 22 should be in condition for allowance.

Claim Rejections – 35 U.S.C. § 102

Claims 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,414,618 to Jacobson (“Jacobson”). The applicant disagrees.

It is alleged that Jacobson shows a secure attachment because one of the shade's radial arms [12] is engaged in the notch [26] of the shade supporting device [20]. To the contrary, Jacobson explicitly indicates that the shade is not “securely affixed” until the finial [5] is replaced on stud [8] and tightened (column 2, lines 60-63).

Furthermore, much emphasis is given to the fact that a person using an ordinary lamp shade could use his hand to tilt, or feel, the natural level or balancing position of the shade. The applicant, however, has made it clear that no external forces (other than gravity, which is implied) are required to return the shade to its naturally balanced position. See, e.g., page 5, lines 17-21.

Thus, claim 15 is amended to recite that the method includes returning the shade to a naturally-balanced position using only a force that is attributable to the earth's gravity. This feature would exclude any manual adjustment of the lamp shade by a person. Claim 16 is amended to replace the word “ring” with “washer.” This amendment is fully supported by the original application at, e.g., claim 10. Claims 17 and 19 are amended for consistency with claim 16.

Jacobson fails to teach a method of leveling a tipped shade that is securely attached to a shade supporting device that includes returning the shade to a naturally-balanced position using only a force that is attributable to the earth's gravity. Consequently, Jacobson fails to anticipate claim 15. MPEP 2131.

Claims 16-19 depend from claim 15, and inherently contain the features of claim 15. Consequently, Jacobson also fails to anticipate claims 16-19. MPEP 2131.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,745,002 to Hoffman ("Hoffman"). The applicant disagrees.

Claim 20 is amended to recite that the shade leveler is for a light fixture having at least one light bulb, and that the self-leveling apparatus is structured to prevent the shade from contacting the at least one light bulb. These features are fully supported by the original application at, e.g., page 5, lines 25-26, and FIG. 11.

Contrary to the features recited in claim 20, Hoffman teaches that the spring is weak enough to "yield readily" if the shade is hit (column 2, lines 30-31), and there is no indication that the shade does not contact the light bulb.

Consequently, Hoffman fails to anticipate claim 20 because it does not show the identical invention in as complete detail as is recited in the claim. MPEP 2131.

Conclusion

For the above reasons, reconsideration and allowance of claims 1-22 is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (571) 273-8300, on September 6, 2005.

Signature


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